

1 15A NCAC 18A .3101 is proposed for readoption with substantive changes as follows:

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3 **15A NCAC 18A .3101 DEFINITIONS**

4 As used in this article, unless the context requires otherwise: The following definitions shall apply throughout this
5 Section:

6 (1) ~~—"Inspection" is a surface by surface investigation to determine the presence of lead based paint and~~
7 ~~may include dust and soil sampling and a report of the results.~~

8 (2) ~~—"Risk assessment" is an on-site investigation of a residential housing unit to discover any lead-based~~
9 ~~paint hazards. A risk assessment includes:~~

10 (a) ~~— an investigation of the age, history, management, and maintenance of the residential~~
11 ~~housing unit;~~

12 (b) ~~— the number of children less than six years old and women of child-bearing potential who~~
13 ~~are residents;~~

14 (c) ~~— a visual assessment;~~

15 (d) ~~— limited environmental sampling; and~~

16 (e) ~~— preparation of a report identifying acceptable abatement, remediation, and interim control~~
17 ~~strategies based on specific conditions.~~

18 ~~(3)~~(1) "Child-occupied facility" means as defined at G.S. 130A-131.7(2).

19 (2) "Department" means the North Carolina Department of Health and Human Services.

20 (3) "High contact areas for children" means areas including sandboxes, gardens, play areas, pet sleeping
21 areas, and areas within three feet of a residential housing unit or child-occupied facility.

22 (4) "Residential housing unit" means as defined at G.S. 130A-131.7(16).

23 (5) "Safe work practices" are methods used to avoid creating lead-based paint hazards during on-site
24 work that disturbs paint that may contain ~~lead lead~~. ~~Such methods include: as set forth in the United~~
25 ~~States Environmental Protection Agency publication "Steps to Lead Safe Renovation, Repair, and~~
26 ~~Painting," which is hereby incorporated by reference, including any subsequent amendments and~~
27 ~~editions, and available free of charge at: [https://www.epa.gov/sites/production/files/2013-](https://www.epa.gov/sites/production/files/2013-11/documents/steps_0.pdf)~~
28 ~~[11/documents/steps_0.pdf](https://www.epa.gov/sites/production/files/2013-11/documents/steps_0.pdf).~~

29 (a) ~~— taking precautions to prevent the spread of lead-contaminated dust by limiting access to~~
30 ~~the work area to workers only until final cleanup is completed and by having workers~~
31 ~~remove protective clothing such as gloves and shoes before leaving the work area;~~

32 (b) ~~— covering the work area including doorways and sealing floors, closets, and cabinets with~~
33 ~~heavy duty polyethylene plastic secured with duct tape or the equivalent;~~

34 (c) ~~— For exterior surfaces, securing heavy duty polyethylene plastic on the ground from the~~
35 ~~foundation extending 10 feet beyond the perimeter of the work area;~~

36 (d) ~~— shutting off the heating, ventilation, and cooling system and covering heating, ventilation,~~
37 ~~and cooling registers with heavy duty polyethylene plastic secured with duct tape or the~~
38 ~~equivalent;~~

- (e) ~~protecting workers by providing necessary protective equipment, training, and cleanup equipment and by not allowing eating, drinking, chewing gum or tobacco, or smoking in the work area;~~
- (f) ~~protecting occupants which may include temporary relocation as necessary;~~
- (g) ~~protecting occupants' belongings by covering with heavy duty polyethylene plastic secured with duct tape or the equivalent or by removing them from the work area;~~
- (h) ~~misting interior painted surfaces before disturbing and hand scraping all loose paint, wallpaper, and plaster;~~
- (i) ~~wet sweeping and collecting and containing visible debris and plastic sheeting in a secure container;~~
- (j) ~~performing specialized cleaning upon completion of work to remove residual dust and debris;~~
- (k) ~~removing all materials, tools, and contained debris from the work area and the residential housing unit upon completion of maintenance activities; and~~
- (l) ~~avoiding unsafe practices, including prohibited methods listed in G.S. 130A-131.9C(g).~~

(4)(6) "Specialized cleaning" is the use of cleaning protocols that have been shown to be effective in removing lead-contaminated dust as ~~set forth in specified by the U.S. United States~~ Department of Housing and Urban Development ~~publication in the "Guidelines Guidelines~~ for the Evaluation and Control of Lead-Based Paint Hazards in Housing. ~~Housing~~ which is hereby incorporated by reference, including any subsequent amendments and editions, and available free of charge at: https://www.hud.gov/sites/documents/SECOND_EDITION_2012.PDF. ~~and any updates and revisions.~~

(5)(7) "Visual inspection" ~~means~~ is an on-site ~~assessment investigation~~ by ~~the Department or its agent~~ authorized pursuant to 15A NCAC 01O .0101(4) ~~a certified lead inspector or a certified lead risk assessor~~ to determine compliance with the approved remediation plan as set forth in G.S. 130A-131.9C. ~~the completion of abatement, remediation, and maintenance standard activities. A visual inspection shall include paint, dust, or soil sampling, and a notification of the results.~~

History Note: ~~Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A;~~
~~Eff. October 1, 1990;~~
~~Transferred and Recodified from 15A NCAC 19I .0101 Eff. August 28, 1991;~~
~~Transferred and Recodified from 15A NCAC 21E .0401 Eff. February 18, 1992;~~
~~Amended Eff. August 1, 1996; January 1, 1995; July 1, 1992;~~
~~Temporary Amendment Eff. November 21, 1997;~~
~~Amended Eff. April 1, 1999.~~